

REMARKS

Claims 1-4, 6-9, 26-27, 31-33 and 41-47 are pending in the application.

Claims 5, 10-11, 20-30 and 34-40 have been canceled as being drawn to non-elected species without prejudice to their future prosecution. Applicant reserves the right to file one or more divisional applications on the canceled claims.

Claim 1-4, 6-9, 27 and 31-33 have been amended.

New Claims 41-47 have been added, as supported by the original claims as filed.

The claims have been amended to merely clarify language used in the claims and/or the subject matter claimed. The scope of the claims is intended to be the same after the amendment as it was before the amendment. No new matter has been added with the amendments to the claims or the addition of the new claims.

Rejection of Claims under 35 U.S.C. § 112(1).

The Examiner rejected Claims 1-4 and 26 under Section 112(1) for lack of enablement. This rejection is respectfully traversed.

The Examiner maintains that the specification does not set forth a representative number of examples to justify the scope of the claims.

The claims have been amended to recite a composition composed of particular floral odorants and spice odorants – with the floral odorant being selected from jasmine, lilac, lily of the valley, magnolia, rose, lavender, geranium, hyacinth, orange blossom, apple blossom and carnation, and the spice odorant being selected from cinnamon, ginger, cloves, nutmeg and oriental spice.

One of ordinary skill in the odorant arts would readily ascertain particular odorants that fall within the scope of the claim. Indeed, one of ordinary skill in the odorant arts would be able to ascertain whether a substance had a jasmine aroma, a lilac aroma, a cinnamon aroma, a oriental spice aroma, etc. Furthermore, the claims are limited to certain mixtures of odorants that have the recited effect and thus do not call for just any odorants.

Applicant has described sources of commercial odorants, which are exemplary, that are within the scope of the claims. Applicant has also described screening odorants for effectiveness at paragraphs [0023]-[0024] of Applicant's published application US 2004/0137086, and in the Example. It would be a routine matter for one of ordinary skill to obtain and employ sources of

the recited odorants, and readily determine without undue experimentation whether the odorant works or not.

Satisfaction of the enablement requirement of Section 112 is not precluded by the necessity for some experimentation, such as routine screening. The key word is "undue" not "experimentation." *In re Angstadt*, 190 USPQ 214, 219 (CCPA 1976). A considerable amount of experimentation is permissible if it is merely routine, or if the specification provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed. *In re Jackson*, 217 USPQ 804 (Bd. App. 1982).

Applicant has provided a sufficiently supporting disclosure, both through the working example and descriptive discussion, to teach those of ordinary skill in the art how to make and use the invention as broadly as it is claimed, and to show that the odorant mixtures are useful in providing the recited effect. The present disclosure including a working example is more than adequate to enable one of ordinary skill in this art area to carry out the invention commensurate with the scope of claims, as required under Section 112(1), without undue experimentation.

Based on Applicant's disclosure and the understanding in the art, it is submitted that the requirements under Section 112(1) have clearly been met in the present disclosure, and that an art worker in this area is fully enabled to practice Applicant's invention as broadly as it is claimed.

Accordingly, it is respectfully submitted that the claims fully comply with Section 112(1), and withdrawal of this rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. §112(2).

The Examiner rejected Claims 1-4 and 26 under Section 112(2) for the use of indefinite claim language.

Claim 1 has been amended to clarify that the odorant composition is administered to a first person such that the first person perceives the body weight of a second person to be less than the actual body weight of the second person.

Claim 1 has also been amended to delete the phrase "the step."

Claim 2 has been amended to replace "odorants" with the phrase "floral odorant and the spice odorant."

Accordingly, it is submitted that the claims are clear in their meaning and satisfy the requirements of Section 112(2), and withdrawal of this rejection is respectfully requested.

Extension of Term.

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. If any extension and/or fee are required, please charge Account No. 23-2053.

It is respectfully submitted that the claims are in condition for allowance and notification to that effect is earnestly solicited.

Respectfully submitted,



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Dated: June 14, 2007

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